IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 7731 of 1995

Between:

Workman of Andhra Bank rep. by Asst. General Secretary,
Andhra Bank Staff Association, INTUC, Barkatpura,
Hyderabad.

..... PETITIONER

AND

1 The Industrial Tribunal-cum-Labour Court rep. by Presiding Officer
Chandravihar, Nampally, Hyderabad.
2 The Management of Andhra Bank rep. by Personnel Manager
Head Off, Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari and quash the Award of the 1st respondent in I.D.No.26/88, passed by the 1st respondent, in so far as it relates to denial of back wages and other service benefits to the petitioner and direct the 2nd respondent to reinstate the petitioner with full back wages and all other service benefits and grant such other relief as it deems fit and proper in the circumstances o f the case.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Mr.K.Srinivasa Murthy

The Court made the following:

ORDER:

This writ petition is filed challenging the award passed by the Labour Court in I.D.No.26 of 1988, dated 28.03.1994, inasmuch as the workman was denied the back wages. The Government of India referred the following matter to the Industrial Tribunal for adjudication:

> "Whether the action of the management of Andhra Bank in dismissing from service Sri P.Lakshminarayana,
> Sub-Staff with effect from 22-6-83 is justified? If not, to what relief is the workman entitled."

2. The learned Tribunal passed an award on 28.03.1994 holding that the dismissal of the workman from service by the Management of Andhra Bank was not justified and accordingly, remanded reinstatement without back wages. As against the denial of back wages, the present writ petition has been filed.

3. The learned counsel for the petitioner-workman submits that the order of termination is illegal and the workman is entitled for consequential relief of back wages automatically, and therefore, the Tribunal erred in not granting the said relief.

4. I am afraid I cannot accept the contention. The grant of back wages is purely a discretion vested on the Tribunal. The Tribunal considering the totality of the circumstances, while setting aside the order of dismissal, granted reinstatement without back wages. Such an order cannot said to be suffered from any illegality or irregularity. Thus, I do not find any merit in the writ petition.

5. The writ petition is accordingly dismissed. No order as to costs.

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G.BIKSHAPATHY, J

Dated 07th October, 2004.

YCR/KVRM

To

1 The Presiding Officer, Industrial Tribunal-cum-Labour Court
Chandravihar, Nampally, Hyderabad.
2 The Personnel Manager, Management of Andhra Bank,
Head Off, Saifabad, Hyderabad.

3. 2 CCs to G.P for Labour, High Court Buildings, Hyderabd. (OUT)

4. 2 C.D. copies.